



**Before The
State Of Wisconsin
DIVISION OF HEARINGS AND APPEALS**

In the Matter of the Denial of the Application for
Confidential Status by Mathy Construction
Company

Case No. DNR-14-017

AMENDED NOTICE OF HEARING

On October 23, 2013, Mathy Construction Company (Mathy) filed an Affidavit and Application for Confidential Status pursuant to Wis. Admin. Code § NR 812.26(8) with the Department of Natural Resources regarding certain information on Form 3300-005, which Mathy is required to file with the Department of Natural Resources. Mathy requested confidential status for the following information:

- Drillhole location information including county, section, township, range, latitude and longitude.
- Drillhole information including drillhole depth, depth to water, formation type – unconsolidated or bedrock.
- Geologic features.
- Property owner information including name and address.

On March 7, 2014, the Department of Natural Resources issued a Notice of Preliminary Decision to Deny Request for Confidential Status. The Notice stated that the applicant may obtain an adjudicatory hearing on this preliminary decision to deny the request for confidential status by petitioning the Department of Natural Resources for such a hearing within 10 working days after publication of the Notice.

On May 18, 2014, the Department of Natural Resources received a Request for Adjudicatory Hearing from Mathy pursuant to Wis. Stat. § 227.42 and Wis. Admin. Code § NR 2.19. By letter dated April 2, 2014, the Department of Natural Resources granted the Request for Adjudicatory Hearing and limited the hearing to the following issues:

- Drillhole location information including county, section, township, range, latitude and longitude.
- Drillhole information including drillhole depth, depth to water, formation type – unconsolidated or bedrock.
- Geologic features.
- Property owner information including name and address.

On May 9, 2014, the Division of Hearings and Appeals received a Request for Hearing from the Department of Natural Resources.

NOTICE IS HEREBY GIVEN that the State of Wisconsin Division of Hearings and Appeals will hold a public hearing on the above matter pursuant to Wis. Stat. §§ 19.31-36, 134.90, 227.42 and Wis. Admin. Code 2.19 and 812.26 in the Hearing Room at the offices of the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, Wisconsin on **October 9, 2014, at 9:00 a.m.** The hearing was originally noticed for August 7, 2014, but was rescheduled at the request of Mathy Construction Company.

The hearing is a Class 1 contested case pursuant to Wis. Stat. § 227.01(3)(a) and the fair play provisions of Wis. Stat. ch. 227 will apply. The procedures relating to contested cases set forth in Wis. Admin. Code ch. NR. 2 will be followed. The procedure that will be followed at the public hearing will closely resemble that normally followed at a court hearing. All parties are advised that they have the right to seek the aid and assistance of legal counsel and to be represented by legal counsel at the public hearing.

Pursuant to the Americans With Disabilities Act, reasonable accommodations will be made to any qualified individual upon request. Please call the Division of Hearings and Appeals at (608) 266-3865 with specific information on your request prior to the date of the scheduled hearing.

Dated at Madison, Wisconsin on June 11, 2014.

STATE OF WISCONSIN
DIVISION OF HEARINGS AND APPEALS
5005 University Avenue, Suite 201
Madison, Wisconsin 53705
Telephone: (608) 266-7709
FAX: (608) 264-9885

By _____
JEFFREY D. BOLDT
ADMINISTRATIVE LAW JUDGE